

MASTERS *James Leslie, Robert Clerk, Archibald Murray, and James Smollet*, Commissaries of *Edinburgh*, to
 Heralds, Messengers, Pursevents, and Officers of Court, conjunctly and severally, specially constitute, Greeting: FORASMUCHAS it is humbly meant and shown to us by Dame *Eleonara Cathcart*, Spouse to Sir *John Houston*, Baronet, and Masters *Alexander and Archibald Stevensons*, conjunct Procurators Fiscal of the Commissariat of *Edinburgh*, for their Interests; That the said Sir *John Houston* and the Complainer Mrs. *Eleonara Cathcart* were married on the 15th of *February 1744*, and from that Time cohabited together, owned one another as Husband and Wife; and have been reputed such by all their Relations and Acquaintances: Notwithstanding whereof, and that by the Laws of GOD and Man, he the said Sir *John Houston* was bound to comfort and protect his said Spouse; yet true it is, that he having shaken off all Regard to his conjugal Vows, instead of behaving himself with that Tendernefs and Humanity which becometh a Husband, hath been a Tyrant and Tormentor to his said Wife, and has so behaved and maltreated her both in Words and Deeds, in a Variety of Instances, hereafter more particularly condescended upon, that she is in manifest Hazard of her Life, if she should continue to live with him: IN SO FAR AS, the deceased *Charles Lord Cathcart* having granted Bond to the Complainer for the Sum of 1587 *l. 17 s. Sterling*, with Annualrent and Penalty, Accompts were fitted and cleared betwixt the Complainer and *Charles* now Lord *Cathcart*, some time before her Marriage, when it appearing, that deducing all former Payments, there remained due at the Term of *Martinmas 1743*. the Sum of 2555 *l. Sterling*, his Lordship granted Bond of Corroboration to the Complainer, her Heirs and Assignies whatsoever, for the Sum of 2000 *l. Sterling*, and granted a separate Bond to her for the Sum of 500 *l. Sterling*, excluding her Husband's *jus mariti*. As
 A for

for the remaining 55 *l. Sterling*, it was paid over to the said Mrs. *Eleanora Cathcart* and her said Husband soon after the Marriage. Upon the said 15th of *February* 1744, being the Day of the Marriage, a Contract of Marriage was executed betwixt the said Sir *John Houston* and the Complainer, by which a Liferent Provision was secured to the Complainer, partly by way of Locality, and partly by way of Annuity, which is thereby warranted to be worth 3600 Merks of yearly free Rent: And on the other Part, the said Complainer did thereby assign and make over to the said Sir *John Houston* the 2000 *l. Sterling*, contained in the Bond of Corroboration above mentioned, in Manner following, *viz.* 500 *l. Sterling* of the Principal, with the haill Annualrents to the said Sir *John*, absolutely, for his own Behoof, and the remaining 1500 *l. Sterling* of the said Principal to the said Sir *John*, in Trust, for the Security of the Complainer's Liferent Provision, and also of the Provisions thereby made to the Daughters of the Marriage, until the said Provisions be satisfied, or otherwise fully secured; and upon the said haill Provisions being so satisfied or secured to the said Sir *John Houston*, his Heirs and Assignies, for his own Use and Behoof. And it is thereby farther provided, That in case Sir *John's* Affairs should make it necessary or proper for him to uplift and dispose of the said 1500 *l. Sterling*, that he should have Power so to do, with Consent of the said *Charles Lord Cathcart*, or of Sir *John Schaw* of *Greenock*, Baronet, but not otherwise. The said Sir *John Houston* having been in a bad State of Health, or imagining himself to be so at the Time of his Marriage, had before that taken a Resolution of going over to the South of *France* for the Recovery of his Health; and as he proposed to carry the Complainer along with him, he begged and intreated it as a particular Favour, that Miss *Marion-Anne Cathcart*, the Complainer's Sister, might be sent along with them; to which the young Lady's Friends were prevailed upon to agree, being in Hopes that they were all to return after
a few

a few Months Absence. In Prosecution of this Plan, Sir *John*, the Complainer, and her Sister, set all out from *Edinburgh* on their Way to *London*, upon the 20th Day of *February* 1744, being the fifth Day after the Marriage. During that Journey, Sir *John* begun to discover the Discontentment of Mind and Badness of Temper, which in Progress of Time carried him to those Excesses he afterwards committed. He acquainted the Complainer, that the Morning he left *Edinburgh*, her Friends had attempted to draw him in to grant a general Factory for the managing of his Affairs in his Absence: That he saw this was done with an Intention to get him into their Power; but although he had defeated their Intention at that Time, yet he was well assured they intended to cheat him: That he had expected great Settlements with the Complainer, and that, had not that been the Case, he would not have married, with the Settlements he had from his Mother. He continued all the Road to *London* chagreen'd and distressed in his Mind upon that Subject, this being the eternal Theme when the Complainer and he were together. As Lord *Cathcart* happened to arrive at *London* within two Days after they came there, the Complainer insisted, that Sir *John* should come to an Ecclaircissement with him, and assured Sir *John*, that if her Friends were in the wrong, her Brother would condemn them as much as Sir *John* could, and help him to set Things to rights; that if they were misunderstood by him, his Lordship might probably be able to explain Matters. This he said would do no good; but, upon the Complainer's insisting, Sir *John* was at last prevailed upon to talk with his Lordship: Upon which Sir *John* told her, that he had been Dupe enough to take her Advice, but for the future he never would in any Particular. As Sir *John*'s chief View in entering into this unfortunate Marriage appears to have been to better his own Fortune, his first Care was to be possessed of the 500 *l. Sterling* above mentioned, for which Bond had been taken, secluding his *jus mariti*: And as the Complainer would have

have been willing to do any thing that lay in her Power to oblige him, she, at his Desire, signed a Note with him, which was wrote by his Hand, whereby she renounced her Right in the said Bond; and he, as having Right thereto *jure mariti*, discharged the same, and thereupon, before they left *London*, Lord *Cathcart* gave Sir *John* a Credit upon Captain *Wilson* at *London*, to the Extent of that Sum. From *London* they set out for *Falmouth*, and from thence went over to *Lisbon*, where they arrived about the 13th or 14th of *April* 1744; and both upon the Road, and during their Stay at *Falmouth*, and in the Voyage, Sir *John* treated the Complainer with great Harshness, which was observed by every Person who had Occasion to see them. At *Lisbon* they remained for about the Space of six Weeks; and during that Time, Sir *John* took every Method he could think of to make the Complainer's Life a Burden to her, his constant Theme to Strangers was, *The Plague of travelling with Women*, saying every thing that he thought could vex the Complainer the most, telling her, that her Brains were like her own bleak Country; that her Grandmother was the most extravagant Woman alive; that her Great Grandfather, the late Lord President, was a cheating quirking Judge; but that his Quirks could not hurt his Right, that was established, as he said, by Act of Parliament; that it would only cost him some Pleas with Lord *Cathcart*, which he did not value. He was frequently overheard in these Expressions by the Servants of the Family where he then resided; and when the Servants repeated what they had heard, he reproached the Complainer, and said, that she had made it publick; so that Sir *John*'s Manner of using the Complainer became notorious at *Lisbon*. From thence they embarked in a *Swedish* Ship for *Italy*, where Sir *John* maltreated the Complainer so much during the Voyage, which lasted a Month, that the Captain of the Ship, who was himself a *Swede*, made the Maid understand the best Way he could, that *Damn you* were bad Words, and that the *Swedes* did

did not use their Wives as the *Englishmen* used theirs. They landed at *Genoa* upon the 22d of *July* 1744, and from thence went to *Pisa*, where they lived in an Inn for about the Space of fifteen Days; and there, from hard Words, Sir *John* thought proper to come to Blows. Upon a very trifling Occasion he gave the Complainer a Box on the Ear: Some Days after that he seized the Complainer by the Neck, and gave her a Blow on the Temple which struck her to the Ground, and of which the Complainer bears the Marks to this Day; and as this last mentioned Blow broke the Skin, it occasioned such an Effusion of Blood, that all the Complainer's Cloaths and Linnen were covered with it. As soon as the Complainer recovered herself, she run into another Room, and begun to wash the Blood out of her Handkerchief and Ruffles, which her Maid found her doing, the People of the Inn having sent her up Stairs, upon hearing the Noise, making her understand, that Sir *John* was murdering his Lady. It might have been expected, that after an Accident of this Kind, Sir *John* would have made some Acknowledgments; but this was not his Way, it being a common Saying with him, "That he never had done a wrong Thing in his Life." Next Morning having found the Complainer in Tears, and lamenting her Fate, he advised her to leave off that foolish Humour, and said in a taunting Manner, *Madam, you have got a blue Eye.* Which Expression gave the Pursuer infinitely more Anguish than what arose from the Blow she had received. Notwithstanding all this, the Complainer, from an Excess of Tendernefs, endeavoured to conceal what had happened; and upon Strangers coming in, and observing her Face swelled, she concurred with Sir *John* in pretending, that she had accidentally struck her Face against a Door. From *Pisa* they went to a small Village in the Neighbourhood thereof, called *Calci*, where they lived about three Months; and during that Time, Sir *John* showed his bad Humour in every Shape. The Complainer durst not give Directions about any Thing in the Family,

which Sir *John* considered as his own Province. He was all Day abroad, except at Breakfast and Dinner; and when he came home, he went to his Room, where she durst not approach. When any of the *English*, who were living near that Place, came to dine with them, he commonly took that Opportunity to turn off the Cook and other Servants (which in *Italy* they may do any Day) and thereby put every Thing into Confusion, then he locked himself up in his Room, and left the Complainer to make an Apology. About this Period Sir *John* began to complain bitterly, that by the Marriage Articles, so great a Part of the Complainer's Fortune was locked up for an uncertain Event, which was not likely to happen; and being willing to have the whole in his own Hands, he insisted that the Complainer should write to her Friends in *Scotland* upon that Head; and at the same time, as he was conscious how unreasonable the Demand was, Matters were to be put upon this Footing, that Sir *John* did not intend to spend the Money, that he wanted only a Credit from *Scotland* for a large Sum of 2000 *l. Sterling* at least, under the Pretence, that this was absolutely necessary, to give Strangers an Air in a foreign Country: And it was upon this Occasion intimated to the Complainer in plain Terms, that if this Demand was not granted, she the Complainer was to be turned out of Doors. Although nothing could be more unreasonable than this Demand, and nothing more ridiculous than the Pretence of making it, more especially, as Sir *John* had been already very amply supplied with Credit to the Extent of 800 *l. Sterling*, of which but a small Part had been then used; yet the Complainer, who would have chearfully given up every Shilling she had or could expect in the World to gratify Sir *John*, did, at his Desire, write Numbers of Letters to her Friends in *Scotland* upon that Head; these Letters having been all of them revised by Sir *John*, were renewed almost every Post for two Months together; the Earnestness and Anxiety with which they are writ, can only appear from the Letters themselves, and

and the Certification in every one of them is, that if Sir *John's* Demand was not complied with, she the Complainer was to be turned out of Doors. In order to enforce these Letters, a very extraordinary and unnatural Expedient was thought of: Sir *John* having insisted, that the Complainer should write Letters to her Friends, accusing and taking upon herself the Load of all the Guilt he had ever in his blackest Moments laid to her Charge, the Complainer, who found herself under a Necessity of obeying all Orders, however unreasonable, agreed to the Proposal, but insisted that he himself should dictate the Letter. This he refused, saying, that he wanted to see that she stated the Cause of their Quarrels, just for a Proof of her Veracity; whereupon she wrote a Sheet of Post-Paper upon all Sides, which he disliked extremely; then three others were wrote with the same Success: Upon reading the fourth, he was in such a Rage, that she heard him say, when she went out of the Room, that he would willingly want his Skin to be quit of his Wife. At the same time, from the Observations he made on the four Letters, which were all different from one another, the Complainer luckily contrived a fifth, which happened to please him. This Letter, which accuses the Complainer of almost every Crime, excepting only the highest Offence which a Woman can commit against her Husband, bears Date at *Calci* the 2d of *October* 1744, and was inclosed to a Gentleman, a common Friend of both Parties, with Directions to deliver it to Lady *Schaw*. The said Letter having been sent by Sir *John* to the Post-office, which was about five Miles distant from *Calci*, the Complainer having no Opportunity of sending a Letter without his Knowledge thereof, till at last, upon the 11th of that Month, she seized the Opportunity of a Visit of Mr. *Hall*, Lord *Cathcart's* Governor, and wrote a Letter to her Grandmother, and another to the same Gentleman, and delivered these to Mr. *Hall* to put into the Post-office, explaining in these Letters in what Manner the former had been obtained; but at the same time earnestly intreating, that

that in the Answer to be made by her Friends, they should put her entirely in the Wrong, and write to Sir *John* in the fondest Way, and by all Means to send the Letter of Credit, adding, " That the only Favour her Friends could possibly do " her, was to give up her Cause, to show Fondness for Sir *John* " and Sorrow for her, for that Time, if no one was too eager to help, might yet be her Friend." About this Period Sir *John's* Coach-horses and Chaise-horse having been stolln by his own Servants, he reproached the Complainer bitterly, saying, she was the Cause, for had he not travelled with a Family, it would not have been necessary for his Honour to have had an Equipage, and if he had not had an Equipage, his Horses would not have been stolln; but, by Heavens, Lady *Schaw* should pay for the next he had. These Horses Sir *John* afterwards recovered by the Means of Mr. *Man* Envoy from *England*, upon Letters he made the Complainer write, and sign with his Name, *John Houstoun*; and although he got the Horses, and kept an Equipage at *Leghorn* during the Winter, yet he never would allow the Complainer, even in the worst Weather, to set Foot in the Equipage, saying, the People were so damn'd polite, they would not buy his Horses if his Lady had the Use of them. That Winter the Complainer asked Sir *John* to allow her a Gown, which, tho' the first she had ever asked or got from him, he absolutely refused, altho' about that very Time a Credit had been given him by Sir *John Schaw* for 100*l. Sterling*, to have been employed on Cloaths for the Complainer; so that she was obliged to appear in a Dress extremely improper in that Country at that Season of the Year. About this Time Sir *John* used to send the Complainer on Foot through the Streets of *Leghorn* on all his Commissions, even the most trifling, giving her Orders what to say and do, and when she came home, made her repeat her own Words, and the Words of the People to whom she spoke; and if she varied from her Instructions in an *if* or an *and*, he said it quite marred the Sense

Sense of the whole Subject; that he was the most unfortunate Man in the World, for being married to such a Fool; that she was worse than a Fool; for what she did, or omitted to do, was all out of Malice. And when he sent the Complainer to ask Favours, which sometimes the Persons from whom they were asked would not grant, because Sir *John* had affronted them, which happened almost to every Person with whom he had any Dealings, he always found Fault with the Complainer, either for Simplicity in not obtaining what she asked, or said it proceeded from Malice in her, or the damn'd Intrigues of her Friends, who wrote to these People to affront him, that he might be induced to come home. In the mean time Letters had arrived from *Scotland* in answer to these which the Complainer had wrote, containing the Charge against herself, and what related to the 2000 l. *Sterling* Credit; and as these Letters, though very proper, were not such as Sir *John* expected, he became still more cross and harsh to the Complainer than he had been before, and conducted Matters so, that Life did literally become a Burden to her. How much this Usage disheartened her in Mind, and extenuated her in Body, may be recollected by those that saw her in this Country. She at this Period coming to *Scotland*, her very Looks were more powerful than a thousand Witnesses to prove the Usage she had met with, notwithstanding of which she carefully concealed every Thing that might reflect upon Sir *John* from even her nearest Friends. At this Time she demanded her Jewels from him, which he had taken from her as a Mark of Disgrace some Months before; he sent them by her Maid, but desired to have them immediately restored, that they might be safe in case of her being drowned or taken. The Complainer was necessitate to comply, they were accordingly sent back by Mrs. *Herries* her Maid, and he is pleased to detain them to this Day. The Complainer remained in *Scotland* till *September* 1745, she was not allowed a Farthing from Sir *John* for her Subsistence, which obliged her at

Leghorn to draw for 100 *l. Sterl.* on *Lady Schaw*, to bear the Charges of her coming Home; she solicited with the greatest Earnestness while at Home, that her Portion might be given up to *Sir John*, begging her Grandmother with many Tears to intercede with her Grandfather and Brother to untie her Portion, by giving their Consent to *Sir John* to uplift the same; but her Prayers and Tears upon this Subject had no more Force than her Letters formerly had, *Lady Schaw* assuring her, that she durst not mention the same to *Sir John Schaw*, and she was morally sure, that if it was mentioned to him, it would infallibly ruin *Sir John Houston's* Interest with her Grandfather. The Complainer receiving Letters from *Sir John*, requiring her Attendance, in Consequence of these Orders she returned, *Mrs. Anne Stevenson*, a Lady of Discretion and Character, being sent with her of Purpose to bring home *Miss Cathcart*; they arrived at *Naples* the End of *January* or 1st of *February* 1746, and from thence went to *Portici*, where *Sir John* then was. The Complainer had great Expectations that Time and Absence might have made an Alteration upon *Sir John's* Temper of Mind, but to her no small Mortification she found Matters just as she left them; *Sir John* received her with as much Coldness and Indifference as can be well imagined, sometimes reproaching her for not coming sooner, and at other Times for coming so soon, and imputing to her every Thing which he imagined to be amiss in the Management of his Affairs at Home. It was a constant Practice with him, upon every slight Occasion to put the Complainer upon Oath as to every Thought, Word and Action she had ever thought, said or done, contrary to his Interest, and in such Cases he used her ill till such Time as she confessed what he had a-mind to; and upon her confessing, which she was always obliged at last to do, he used to call her Hypocrite and dissembling Jade, for denying so long. Innocence was no Defence, and Argument had no other Effect but to confirm him in his own Imaginations, however ill founded.

From

From the Time of the Complainer's first leaving *Britain*, she had not been admitted to a Share of Sir *John's* Bed; and after her Return to *Italy*, she was obliged to lye in a separate Room half dressed, to be in Readiness to answer him when he called, which was generally oftener than once every Night, to light his Lamp, to see if Thieves were coming, or for any other Fancy of that Kind. Soon after the Complainer's Arrival, Sir *John* took it into his Head, that as Miss *Catbcart* was going away, some Female Companion should be sent over from *Scotland*, in order, as he said, to introduce and keep up Mirth in his Family, and insisted that the Complainer should write to her Grandmother to that Effect. The Complainer endeavoured to persuade him how difficult it would be to prevail in such a Request, and intreated him, if that was a Thing agreeable to his own Inclinations, that he should write to his Sister to send over some of his own Relations; but these Intreaties had no Effect; the Complainer was obliged to comply, and to write over a very urgent Letter to her Grandmother, desiring that one of four young Ladies, therein particularly named, should be forthwith sent over, and that under no less a Certification, than that if one of these four was not at *Bourdeaux* betwixt and a certain Day, that Sir *John* was to part with the Complainer. While the Complainer was in *Scotland* she had at Sir *John's* Desire hired a Boy, one *John Schaw*, to come over to Sir *John's* Service, and he had also desired that a favourite Dog of his, called *Bouffler*, should be sent over: It unfortunately happened that this favourite Dog had turned mad some Time before, and had ended his Days in a Halter, not by any Direction of the Complainer or her Friends, and that *John Schaw* had been bit in the Leg by this Dog, which was likely to end in a Mortification, so that neither the one nor the other could be sent over; however, Sir *John* having taken it into his Head, that this was all Trick and Contrivance of the Complainer and her Friends, he obliged the Complainer to write Letters to her Grandmother for *Johny Schaw* and the

the Dog as urgent as that she had writ for a Companion. This Correspondence began about the End of *February* 1746, and from that Time till the Beginning of *May*, almost every Post brought new Letters, each of them expressing the utmost Anxiety, and all of them concluding with a Certification, that if the Companion, *Jobny Schaw* and *Bouffler* were not sent over to *Bourdeaux* betwixt and a certain Day, that he and the Complainer behoved to separate, and could live no longer together: So unreasonable was Sir *John* in putting the Issue of his and the Complainer's living together upon Events, some of which were impossible, and none of them in the Power of the Complainer. These Letters are most of them dated from *Portici* near *Naples*. Sir *John* and his Family having gone to *Tholouse* in the Month of *May* 1746, Miss *Cathcart* and Mrs. *Stevenson* set out from *Tholouse* for *Bourdeaux* about the Middle of *May* 1746, Sir *John* being along with them in his Way to *Portugal*; and as it had been before concerted, as a Thing agreeable to him, that the Complainer should go into a Convent for six Weeks, which Sir *John* proposed to spend in *Portugal*, she was accordingly put into a Convent some few Days before her Sister set out, and at the same Time Sir *John* left private Instructions that the Complainer should not be allowed to go out of the Convent without particular Orders from him. At the Time of her going in, Sir *John* paid the Pension for her and her Maid for three Months, at the Rate of 21 *l* per annum, the Convent taking no less than a Quarter's Board, but promising to give back in Proportion to her Stay in it, and after he went to *Bourdeaux* sent a Credit to an *Irish* Priest, one Mr. *Denny*, for 400 Livres, or 16 *l*. *Sterl.* more, writing him to give the Complainer what Part of it she had Occasion for. The Complainer, who during the whole Time she lived with Sir *John*, had not the Liberty of either writing or receiving a Letter which was not read by him, took the first Opportunity and wrote to *Scotland*, explaining that the several Letters wrote
from

from *Portici* near *Naples*, relative to the Companion and Dog, had been all of them wrote by Sir *John's* Direction, and in Obedience to his Orders, but at the same Time earnestly intreating that fair Means should be yet used, and expressing an ardent Hope that Sir *John* might be yet brought to a right way of thinking. The Complainer left the Convent at the End of three Months, finding it extremely incommodious upon several Accounts, and went to the House where Sir *John* and she had lived during his Stay at *Tholouse*, of which she acquainted him; and not having Money to maintain herself decently, she feigned being ill, kept her Bed, saw no Company, and lived upon Bouillons, having scarce enough to purchase her Fire and Candle. This way of Life had a very bad Effect upon her Health, which was greatly increased from the Distress of Mind she endured, from the harsh severe Letters she was every now and then receiving from Sir *John*, who finding that he could not maintain her any where so cheap as in a Convent, wrote to her, that he would part with her for ever, if she did not forthwith return to it; with this Order she was obliged to comply, and remained there till Sir *John's* Return, which was, from the Time of his leaving her, about the Space of nine Months, altho' at the Time of his going away he had given out, that he was to return within the Space of six Weeks. And it is in Fact certain, that Sir *John*, after his Return, applied to a certain Gentleman at *Tholouse*, to use Interest with the Archbishop, to detain her there till such Time as he should think proper to take her out; in which Design he was however frustrated by that Gentleman, who thought it dishonourable to detain the Complainer in a Convent, when it was disagreeable to her. So that Sir *John* finding himself under a Necessity of taking the Complainer out of the Convent, in the Month of *February* 1747, he set out for *Montauban* in a fine Post-chaise, and left Orders for the Complainer to follow next Day in a Hackney-chaise loaded with Baggage, over which was tied a Monkey, before it a *Canary* Bird in a Cage, and in it

the Complainer, her Maid, and a young *Spanish* Pointer they had the Charge of; so that when they came to Dinner, the People of the Inn took them for Part of a Company of Strollers. In the Afternoon the Chaise was overturned in a Ditch, and there being no Attendants, the Complainer and her Maid were forced, one to lead the Monkey, and the other the Pointer, and to travel about seeking Assistance to the Driver. When they came to *Montauban*, Sir *John* and his Family retired to a Country House, about half a Mile distant from the City; and he having about this Time taken it into his Head, that Miss *Catheart* had been recalled upon Application made by the Complainer, he made her, the Complainer, write very urgent Letters to her Grandmother, insisting peremptorily, that she should be sent back; and bringing over again the old Story of *Johnie Schaw* and the Dog, intimating in plain Terms, that if all or any one of these Demands were not complied with, he would turn the Complainer out of Doors, and at the same time prevailed upon other Persons to write home Letters in the same Strain, which they did upon the Complainer's earnest Solicitation. This being necessary, as Sir *John* had about this Time taken a Notion, that the Complainer had great Interest with her Friends at home, and that if any thing she asked was refused, she was certainly cheating and abusing him. He had an Opinion, that the Complainer intended to govern him; and often when he permitted her to speak to him, when what she said amused him, he would from laughing and being chearful, start all of a sudden into a bad Humour, swear, "that would not do; he was not to be made a Cully of, and would not be managed by a Woman." It had been with him a common Topick of Conversation since they were first married, "That a Husband had a Right to beat his own Wife." Now he told the Complainer, that he saw gentle Means would not do, and although it was against his Inclination to beat a Woman, yet he must do it for both their Benefits, *to break her of her Humours*, as he was pleased to term it; so

so now he used to beat her above once every Day in the most calm deliberate Manner. He had three Dogs, which she was obliged to attend while they fed, while they aired, and while they did all they had to do. These Dogs durst never be trusted out of Sight; and as they were particularly committed to the Complainer's Charge, if any thing which related to them was neglected, or not done precisely according to his Inclination, it was considered as a heinous Offence, and a just Cause of beating. He grew more and more cross every Day, so that the Servants often came in, and saw that the Complainer had been weeping, and saw the Marks of Violence upon her Person and Cloaths. He used to beat her for the meerest Trifles, and till the Blood came. One Day he ordered the Complainer to hire a Cook; the Man did not come till Nine at Night when the Complainer hired him, and desired him to come back at Six next Morning, she thinking it hard to put the Cook-maid out of the House at that Hour: Sir *John* was so enraged at this, believing the Man would not come back, (as no Person could easily be found willing to serve him) that he told the Complainer he would be no longer her Cully; that he had too much Gentleness, but that that should be no longer the Case; for by Heavens he would break every Bone in her Body the first Word she spoke without telling him before hand, and swore he would thresh her for what she had done already, as she had thereby disappointed him of his Cook. Upon this the Complainer run out and hid herself; but sent up Mrs. *Jolly* her Maid for *Hungary* Water, and to mediate and gain his Compassion and Pardon. He said he knew she was well enough, and ordered her up Stairs; but this Summons she was afraid to obey. Next Morning the Cook came by Six o'Clock; the Complainer went in great Joy to tell Sir *John*; he said it was more by good Luck than good Management. However he seemed in good Humour, and bid the Complainer sit down; she did so; he was in Bed: She was quite happy to think she had escaped a Drubbing,

bing, and made him a thousand Protestations of Amendment, and never speaking till she had consulted him. The Complainer was laughing, and thinking of no Evil, when Sir *John*, as soon as he got up, came to her, and gave her such a Blow upon the Head, that she being laughing, set her Teeth together with so much Violence as almost broke them. She asked the Cause; he replied, that it was to show her he was a Man of Honour, and having promised to thresh her about the Cook, he believed himself obliged to keep his Word. He now again solemnly declared, That if she did not tell him every Word she spoke, before she said it, that he would break every Bone in her Body; bid her be prepared, and depend upon it, for his Honour was engaged. The Complainer assured him she was resolved to obey him, but begged, as he said she was thoughtless, and the Penalty high, that he would be so good as give his own Orders; this he refused, so she submitted. One unlucky Day the Complainer happened to employ one Footman to do something which Sir *John* imagined ought to have been done by another; whereupon he said that he remembered his Promise, tho' she did not, and lifted his Arm to give her a Blow, she being near the Door, run out, and down Stairs. It being necessary for Sir *John* to keep his Room, he sent a Footman to desire the Complainer to come to him; she said she would, and then sent her Maid to tell him, she did not stay from Disobedience, but Fear, and would be very glad to come to him, if he would promise her Safety: This he did not do; so she remained, after several Messages had past to the same Purpose: He lost all manner of Patience, and came down Stairs; upon which she retired into the Kitchen, he followed her, from thence she went into the Court, where the Family also assembled: He first desired one Man, then another, to carry her to Bed, making as if she had been distracted, which they not doing, he ordered her Maid, who took the Complainer by the Arm; he seeing the Maid did not carry her in, took hold of her himself; he dragged her, the Maid holding, he

he drawing, till she was all over black and blue; it rained, and he wet his Feet; which perceiving, he all of a sudden ran up Stairs; whereupon the Complainer ran as fast as she could into the Town of *Mountaban*, where she was put into a Convent by Authority of the King: And about the Beginning of *May* 1747, set out from thence for *Scotland* by the Way of *Bourdeaux*. WHICH SEVERAL repeated Acts of gross Maltreatment and Cruelties above recited, and the Complainer's Behaviour under them, were many of them heard and seen by several Persons, and the Truth thereof confirmed from her outward Appearance, and from the State of her Health at the Time when she returned Home, and would have been further confirmed, by the harsh and severe Letters Sir *John* had from time to time wrote to the Complainer, had it not been, that some short Time before the Complainer left him, she was compelled to give up the said Letters, and every other Paper which Sir *John* imagined might hurt him; which Letters and Papers were all of them burnt and destroyed by Sir *John* in the Complainer's Presence. The Complainer and her Friends were extreamly unwilling to publish Facts which must reflect so much Dishonour upon the Person who was the Author of them, and offered to accept of Terms much lower than what she is justly entitled to demand: But all Terms of Accommodation having been rejected by the Party from whom they ought to have proceeded, the Complainer finds herself under the Necessity of betaking herself to the legal Remedy; and as it appears very clearly, from the several Facts and Circumstances above condescended upon, That the Complainer cannot safely cohabit with the said Sir *John Houston* her Husband: THEREFORE it ought and should be found and declared by our Sentence and Decreet, that the said Mrs. *Eleonora Cathcart* Pursuer, may have Liberty and Freedom to live separately from the said Sir *John Houston* Defender, her Husband, and he the the said Sir *John Houston* ought to be decerned and ordained to separate himself

self from the Complainer *à mensa & thoro* in all time coming, for the Reasons and Causes above mentioned. AND ALSO the said Sir *John Houston* Defender, ought and should be decreed by our Decreet, to make Payment to the Complainer of the Sums of Money after-mentioned, *viz.* of the Sum of Two hundred Pounds *Sterling* Money yearly, commencing from the Term of *Whitsunday* 1747, being the first Term after the first Day of *May* 1747, when the Pursuer was obliged to leave the Defender's House, and that by four quarterly Moities or Payments, beginning the Payment of the four Quarters already incurred, at *Whitsunday* next 1748, and so forth yearly and quarterly during their joint Lives; and also of the Sum of one Hundred Pounds *Sterling*, as the Expences of the Complainer's Journey from *Montauban* to *Scotland*; and of the Sum of Five hundred Pounds *Sterling* in name of Damages, and as the Expence of this present Process, and of the Decreet to follow hereupon. HEREFOR we charge you strictly and command, that incontinent this our Summons of Separation and Aliment seen, ye pass, and in his Majesty's Name and Authority, and ours, lawfully summon, warn and charge the said Sir *John Houston* Defender, personally, or at his Dwelling-place, upon fifteen Days Warning for the first Diet, and six Days Warning thereafter for the second Diet, if within *Scotland*; and if he be forth thereof, by open Proclamation at the Market-cross of *Edinburgh*, Pier and Shore of *Leith*, upon sixty Days Warning, for the first Diet, and fifteen Days Warning thereafter for the second Diet, to compear before us conjunctly and severally, upon the twelfth Day of *May* next, for the first Diet, and upon the twenty eight Day of said Month of *May* next, for the second Diet, in the Hour of Cause, to answer at the Instance of the said Dame *Eleonora Cathcart*, alias *Houston*, Complainer, and the said Procurators-fiscals for their Interests. *That is to say*, the said Defender to hear and see the Premisses verified and proven, and being so verified and proven, to hear and

and see it found and declared by our Sentence and Decreet, that the said Dame *Eleonora Cathcart*, alias *Houston*, Complainer, may have Liberty and Freedom to live separately from the said Sir *John Houston* her Husband, and he decerned and ordained to separate himself from the said Complainer *à mensa & thoro*, in all Time coming, for the Reasons and Causes above-mentioned. As also the said Defender to hear and see himself decerned and ordained to make Payment to the said Dame *Eleonora Cathcart*, alias *Houston*, Complainer, of the Sums of Money above-mentioned, or else to alledge, &c. with Certification, &c. According to Justice, &c. Given under the Seal of Office of the Commissariot of *Edinburgh*, and signed by the Clerk of Court, at *Edinburgh* the 12th of *March* 1748 Years.

26 JU 62